

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRADEN CHARLES LOSING,

Defendant.

CR 20-8-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 90.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Losing's admissions at the hearing, that he violated two conditions of supervised release: unlawful possession of controlled

substances (Mandatory Condition 3), and commission of a federal, state, or local crime (Mandatory Condition 1). (Docs. 90 at 3, 74 at 2.)

Judge Cavan recommends that this Court revoke Losing's supervised release and sentence Losing to "incarceration until April 11, 2024, followed by 33 months of supervised release on both counts, to run concurrently." (Doc. 90 at 6.) The Court finds no clear error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 90) is ADOPTED in full.

Losing shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 1st day of April, 2024.



Dana L. Christensen, District Judge
United States District Court